

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

EDNA WILLIAMS,

Plaintiff,

vs.

JOANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

Civil Action No. 3:05-1120-TLW

ORDER

This is a social security case. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge, in which the Magistrate Judge suggests that the decision of the Commissioner be reversed pursuant to sentence four of 42 U.S.C. § 405(g) and 42 U.S.C. § 1383(c)(3) and that the case be remanded to the Commissioner for further administrative action. The Report is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a), D.S.C.

The Magistrate Judge makes only a recommendation to this Court. The responsibility to make a final determination remains with the Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed his Report on August 23, 2006. Neither party filed objections. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object

waives appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985).

Therefore, after a thorough review of the record and the Report in accordance with the standard set forth above, the Court adopts the Report and incorporates it herein. Accordingly, it is the judgment of this Court that the Commissioner's decision be **REVERSED** pursuant to sentence four of 42 U.S.C. § 405(g) and 42 U.S.C. § 1383(c)(3) and that the case be **REMANDED** to the Commissioner for further administrative action as set forth in the Report.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

September 15, 2006
Florence, South Carolina